

## Message Text

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ACTION EA-12

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E.O. 11652: NA  
TAGS: PINT, RP  
SUBJECT: LEGISLATIVE ELECTIONS: SUPREME COURT CASES

REF: MANILA 2532

1. THE SUPREME COURT HAS ANNOUNCED IT WILL HEAR ARGUMENTS DURING THE COMING WEEK ON THREE PETITIONS RELATING TO THE APRIL 7 ELECTIONS FOR THE INTERIM BATASANG PAMBANSA (IBP). ALL THREE CASES INVOLVE THE CONTROVERSIAL BLOC VOTING PROVISION, WHEREBY VOTERS MAY VOTE EITHER STRAIGHT PARTY TICKET OR FOR INDIVIDUAL CANDIDATES. A PETITION FILED BY ONE ASUNCION BUENAFE, IDENTIFIED IN THE PRESS AS AN IBP CANDIDATE FROM REGION II, CONTENDS THAT BLOC VOTING TENDS TO FOSTER DICTATORIAL RULE BY THE MAJORITY PARTY. BUENAFE'S PETITION ALSO QUESTIONS THE PROVISION IN THE 1978 ELECTION CODE WHICH EXEMPTS CABINET MEMBERS FROM RESIGNING THEIR POSTS PRIOR TO RUNNING FOR IBP SEATS. SEPARATE PETITION FILED BY PEDRO PERALTA, IBP CANDIDATE IN REGION I, CITES THE COMMISSION ON ELECTION'S ORIGINAL ARGUMENT (PUT FORTH BEFORE BLOC VOTING WAS APPROVED BY THE BATASANG BAYAN AND NOT HEARD SINCE) THAT BLOC VOTING TENDS TO GIVE POLITICAL ADVANTAGE TO ADMINISTRATION CANDIDATES AND WOULD THEREBY IMPAIR THE ELECTION'S CREDIBILITY. THIRD  
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PETITIONER, GUALBERTO DE LA LLANA, IDENTIFIED ONLY AS A TAXPAYER, ARGUES THAT BLOC VOTING DISCRIMINATES AGAINST INDIVIDUAL CANDIDATES. DE LA LLANA ALSO CHALLENGES REGIONAL FORMAT OF ELECTIONS, CONTENDING IT VIOLATES A STIPULATION IN THE 1973 CONSTITUTION THAT MEMBERSHIP IN THE LEGISLATURE BE APPORTIONED BY PROVINCE, CONGRESSIONAL DISTRICT, AND CITY.

2. COMMENT: EACH OF THE REFERENDA HELD UNDER MARTIAL LAW HAS BEEN CHALLENGED IN THE COURTS ON CONSTITUTIONAL GROUNDS. THE SUPREME COURT HAS INVARIABLY RULED IN FAVOR OF THE MARCOS ADMINISTRATION, USUALLY ANNOUNCING ITS DECISION A FEW DAYS BEFORE THE POLLING. MANY POLITICAL OBSERVERS BELIEVE MANY, IF NOT MOST, OF THESE LEGAL MOVES HAVE BEEN INITIATED WITH THE CONNIVANCE OF THE ADMINISTRATION IN ORDER TO A) PREEMPT LATER CHALLENGES BY THE OPPOSITION, AND B) CONSTRUCT AN IRONCLAD HISTORICAL DEFENSE OF THE STEPS TAKEN BY PRESIDENT MARCOS UNDER MARTIAL LAW. THE LATEST PETITIONS BEFORE THE SUPREME COURT WOULD SEEM TO FIT THIS PATTERN. A LEADING OPPOSITION-IST HAS INFORMED EMBOFF THAT THE PETITIONS DID NOT ORIGINATE IN THEIR CAMP.  
NEWSOM

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## Message Attributes

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